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Honorable Mike K. Nakagawa
United States Bankruptcy Judge



5 Entered on Docket
June 29, 2021

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7 **UNITED STATES BANKRUPTCY COURT**
8 **DISTRICT OF NEVADA**

9

10 In re

11 GYPSUM RESOURCES MATERIALS, LLC

12 Affects Gypsum Resources Materials, LLC
12 Affects Gypsum Resources, LLC
13 X Affects all Debtors

14) Case No. BK-S-19-14796-MKN
15)
16) Jointly Administered with Case No. BK-S-19-
17) 14799
18)
19) Chapter 11
20)
21) **ORDER GRANTING DERIVATIVE**
22) **STANDING TO THE OFFICIAL**
23) **COMMITTEE OF UNSECURED**
24) **CREDITORS TO COMMENCE,**
25) **PROSECUTE, AND RESOLVE CERTAIN**
26) **CLAIMS AND CAUSES OF ACTION**
27)
28) Date of Hearing: June 16, 2021
29) Time of Hearing: 9:30 a.m.

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31 The Court, having reviewed and considered the (i) Motion for Approval of Stipulation Granting
32 Derivative Standing to the Official Committee of Unsecured Creditors to Commence, Prosecute, and
33 Resolve Certain Claims and Causes of Action (the “Motion”); (ii) the Stipulation Granting Derivative
34 Standing to the Official Committee of Unsecured Creditors to Commence, Prosecute and Resolve Certain
35 Claims and Causes of Action attached as Exhibit A to the Motion (the “Stipulation”); (iii) and the Notice
36 of Hearing and Order Shortening Time to Hear Motion for Approval of Stipulation Granting Derivative
37 Standing to the Official Committee of Unsecured Creditors to Commence, Prosecute, and Resolve Certain
38 Claims and Causes of Action (the “OST Motion”) at the hearing conducted on June 16, 2021; and with all
39 the other findings set forth in the record at the hearing noted above incorporated herein; and this Court
40 having jurisdiction to consider the Motion; the Court hereby finds (1) shortened notice of the Motion (as

1 previously approved pursuant to the order granting the OST Motion at Dkt. No. 1312) was good and
 2 sufficient as provided therein and under the circumstances; and (2) the relief requested in the Motion,
 3 including approval of the Stipulation which grants derivative standing to the Official Committee of
 4 Unsecured Creditors of Gypsum Resources Materials, LLC (the “Committee”) to commence, prosecute,
 5 and resolve the certain claims and causes of action of Debtors Gypsum Resources Materials, LLC
 6 (“GRM”) and Gypsum Resources, LLC (“GR”), including but not limited to claims and causes of action
 7 against those individuals and entities listed in Exhibit A to the Stipulation, is reasonable and appropriate
 8 under the circumstances.

9 IT IS HEREBY ORDERED that:

10 1. The Motion is hereby GRANTED in all respects, and the Stipulation is hereby approved.

11 2. The Committee is hereby granted derivative standing to assert and authorized to
 12 commence, prosecute, and resolve, on behalf of the Debtors’ bankruptcy estates, the Derivative Causes
 13 of Action (as defined in the Stipulation) and the Avoidance Actions (as defined in the Motion), including
 14 but not limited to actions against those individuals and entities named in Exhibit A to the Stipulation ,
 15 pursuant to the terms and conditions set forth in the Stipulation, and are authorized to take any and all
 16 steps deemed necessary to effectuate the terms of the Stipulation.

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 18 Prepared and submitted by:

19 TUCKER ELLIS LLP

20 By: /s/ Thomas R. Fawkes

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CERTIFICATION OF COUNSEL PURSUANT TO LR 9021

In accordance with Local Rule 9021, counsel submitting this document certifies as follows:

____ The court has waived the requirement set forth in LR 9021(b)(1).

No party appeared at the hearing or filed an objection to the motion.

X Counsel appearing at the hearing and waiving service

Robert Kinas, Esq. Counsel for Rep-Clark

Brett Axelrod, Esq. Counsel for Debtors

____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below:

I certify that this is a case under Chapter 7 or 13 that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.